Supreme Court, U. S.
FILED
MAR 14 1975
MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States.

OCTOBER TERM, 1974.

No. 73-6739.

STEVEN COSTARELLI,
APPELLANT,

v.

COMMONWEALTH OF MASSACHUSETTS,
APPELLEE.

ON APPEAL FROM THE MUNICIPAL COURT
OF THE CITY OF BOSTON.

Motion for Leave to File Brief Amicus Curiae.

GERARD F. SCHAEFER,
Chief Counsel,
MALVINE NATHANSON,
Chief, Appeals Division,
MARGARET D. McGAUGHEY,
MASSACHUSETTS DEFENDERS COMMITTEE,
120 Boylston Street,
Boston, Massachusetts 02116.

BATEMAN & SLADE, INC., BOSTON, MASSACHUSETTS.

In the Supreme Court of the United States.

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STEVEN COSTARELLI,
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ON APPEAL FROM THE MUNICIPAL COURT
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Motion for Leave to File Brief Amicus Curiae.

The Massachusetts Defenders Committee hereby respectfully moves for leave to file the attached brief *amicus curiae* in this case. The consent of the attorneys for appellant and appellee have been obtained and are attached hereto.

The interest of the Massachusetts Defenders Committee arises from the fact that the Massachusetts Defenders Committee is the state-wide public defender agency for the Commonwealth of Massachusetts and as such represents numerous indigents charged with crime in the District Courts of the Commonwealth of Massachusetts. The resolution of the issues in this case, which calls into question the constitutionality of the trial de novo system, may substantially affect the procedural and substantive rights of our clients. In addition, the Massachusetts Defenders Committee is in a position to provide this Court with information concerning the operation of the trial de novo system and its effect on indigent defendants.

The Massachusetts Defenders Committee recognizes that this application is untimely under the rules of this Court. However, in view of the substantial involvement of the Massachusetts Defenders Committee in the representation of defendants in the District Courts, it is hoped that this Court will consider this motion favorably.

Respectfully submitted,

MALVINE NATHANSON,

MASSACHUSETTS DEFENDERS COMMITTEE,

120 Boylston Street,

Boston, Massachusetts 02116.

Massachusetts Defenders Committee

Appeals Division

70 Boylston Street, Room 600, Boston 02116

TELEPHONE:
(617) 482-6212

February 27, 1975

David A. Mills, Esq.
Assistant Attorney General
131 Tremont Street
Boston, Massachusetts 02111

RE: Steven Costarelli v. Commonwealth of Massachusetts
Supreme Court No. 73-6739; October Term, 1974

Dear Mr. Mills:

Pursuant to our earlier conversation, I would appreciate it if you would indicate your consent to the filing of an amicus brief in the above-entitled case by signing your name on the line below and returning this letter to me.

Very truly yours,

Malvine Nathanson

(Ms.) Malvine Nathanson
Chief Appellate Attorney

MN:mjc

I hereby give my consent for the Massachusetts Defenders Committee to file an amicus curiae brief in the above-entitled case.

David A. Mills

David A. Mills, Esq.

Massachusetts Defenders Committee

Appeals Division

120 Boylston Street, Room 600, Boston 02116

TELEPHONE:
(617) 482 6212

February 27, 1975

Robert Hagopian, Esq.
Wrentham
Massachusetts 02093

RE: Steven Costarelli v. Commonwealth of Massachusetts
Supreme Court No. 73-6739; October Term, 1974

Dear Mr. Hagopian:

Pursuant to our earlier conversation, I would appreciate it if you would indicate your consent to the filing of an amicus brief in the above-entitled case by signing your name on the line below and returning this letter to me.

Very truly yours,

Malvine Nathanson

(Ms.) Malvine Nathanson
Chief Appellate Attorney

MN:mjc

I hereby give my consent for the Massachusetts Defenders Committee to file an amicus curiae brief in the above-entitled case.

Robert Hagopian, Esq.